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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,274	12/22/2005	Robert Albertus Brondijk	NL030737	6571

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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BUTCHER, BRIAN M

ART UNIT	PAPER NUMBER
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4113

MAIL DATE	DELIVERY MODE
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08/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,274	<b>Applicant(s)</b> BRONDIJK ET AL.	
	<b>Examiner</b> BRIAN BUTCHER	<b>Art Unit</b> 4113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>30 August 2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because on **line 2**, “**If the update is not continues**” appears to need a change to “**If the update is not continuous**.” Also, on **line 4**, “**reflects the status but to avoid loss of performance**” appears to need a change to “**reflects the status but avoids a loss of performance.**” Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: On **page 1**, **line 12**, "**Physical**" appears to need a change to "**physical**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 1**, **line 19**, "**their recorded area**" appears to need a change to "**their Recorded Area**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 1**, **lines 20-21**, "**Recorded Area indicator**" appears to need a change to "**Recorded Area Indicator**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 2**, **line 5**, "**issueing**" appears to need a change to "**issuing**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 2**, **line 17**, "**whenever the disc is ejected the Recorded**" appears to need a change to "**whenever the disc is ejected, the Recorded**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 2, line 15**, on **page 3, line 20**, and on **page 4, line 5**, “**there fore**” appears to need a change to “**therefore**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 2, line 23**, “**futuer**” appears to need a change to “**future**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 2, line 27** and on **page 3, line 32**, “**ejection of the disc the Recorded Area**” appears to need a change to “**ejection of the disc, the Recorded Area**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 3, line 27**, “**closing the track or session the disc can be**” appears to need a change to “**closing the track or session, the disc can be**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 7, line 9**, “**Session not produce**” appears to need a change to “**Session does not produce**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 8**, **line 21**, "**can not**" appears to need a change to "**cannot**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 9**, **line 12**, "**in when implementing this invention the, the drive reports success**" appears to need a change to "**when implementing this invention the drive reports success**". Appropriate correction is required.

The use of the trademark **BLU-RAY** has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The disclosure is objected to because of the following informalities: On **page 9**, **lines 29-30**, "**t the recorder . . . read-out of result messages**" appears to need a change to "**to the recorder . . . read-out of resulting messages**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 10**, **line 20**, "**recieves**" appears to need a change to "**receives**". Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 11**, **lines 7, 8, and 11, steps 34, 35, and 36 are not listed in the description**. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 11**, **line 11**, "**record carrier in**" appears to need a change to "**record carrier**". Appropriate correction is required.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **Fig. 1, characters 2, 4, 10, and 11 / Fig. 2, characters 21 and 22**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because **it appears reference character 5 is out of position in Fig. 1**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 - 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka (United States Patent 7,035,969), hereinafter referenced as Yoshioka, in view of Ueda et al. (United States Patent Application Publication 2006/0146666 A1), hereinafter referenced as Ueda.

Regarding **claim 1**, Yoshioka discloses an optical disc drive and recording method which reads on the recorder and method for recording information on a write once recording medium. Yoshioka discloses an optical disc drive (column 5, lines 50 - 55 and figure 4 item 1) which reads on the "Recorder for recording information on a write once medium comprising writing means (see figure 4, item 19) controlled by a processor (see figure 4, item 4) where the processing means is operative to perform an update of the record area indicator (see column 10, lines 39-53 and figure 4 items 2 and 4, record area indicator is equivalent to recording management area) on the write once recording medium" claimed. However, Yoshioka fails to disclose that the processor performs the update in response to an update command. The examiner maintains that it was well known in the art for the optical disc drive and recording method disclosed in Yoshioka to perform an update in response to an update command, as taught by Ueda.

In a similar field of endeavor Ueda discloses a write once information recording medium, method, and device that includes a closing command that acts as an update command (paragraphs [0031] [0037] and figure 6 step S605) which reads on "the processor is operative to perform only the update in response to an update command" claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical disc drive and recording method of Yoshioka by specifically using the teachings in Ueda to make the processor perform an update in response to an update command because one having skill in the art would want to be able to interrupt a recording operation and ensure that the recording operation can continue on the recording medium at a later time.

Regarding **claim 2**, Yoshioka and Ueda, the combination of hereinafter referenced as YU, disclose everything claimed as applied above (see claim 1), in addition YU disclose an update command that is a close track/session command. Specifically, in a similar field of endeavor, Ueda discloses a closing instruction command (paragraphs [0031] [0037] and figure 6 step S605) which reads on "the update command [being] a close track/session command" claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical disc drive and recording method of Yoshioka by specifically using the teachings in Ueda to make the update command a close track/session command because one having skill in the art would want to be able

to update the recording management area during any event that interrupts recording so that the recording operation can continue on the recording medium at a later time.

Regarding **claim 3**, Yoshioka discloses an optical disc drive and recording method which reads on the recorder and method for recording information on a write once recording medium. Yoshioka discloses a recording method (column 10, lines 4 - 53 and figure 5 item SP8) which reads on the "Method for recording information on a write once medium comprising a recorded area indicator (see column 10, lines 39-53), comprising the step of recording the information on the write once recording media (see column 10, lines 4 - 7) " claimed. However, Yoshioka fails to disclose a step of performing an update of the recorded area indicator in response to an update command. The examiner maintains that it was well known in the art for the recording method disclosed in Yoshioka to perform an update of the recorded area indicator in response to an update command, as taught by Ueda.

In a similar field of endeavor Ueda discloses a write once information recording method that includes a closing command that acts as an update command (paragraphs [0031] [0037] and figure 6 step S605) which reads on "the step of recording is followed by the step of performing only and update of the recorded area indicator in response to an update command" claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording method of Yoshioka by specifically using the teachings in Ueda to perform an update in response to an update command because one having skill in the art would want to be able to interrupt a recording

operation and ensure that the recording operation can continue on the recording medium at a later time.

Regarding **claim 4**, YU disclose everything claimed as applied above (see claim 3), in addition YU disclose an update command that is a close track/session command. Specifically, in a similar field of endeavor, Ueda discloses a closing instruction command (paragraphs [0031] [0037] and figure 6 step S605) which reads on "the update command [being] a close track/session command" claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording method of Yoshioka by specifically using the teachings in Ueda to make the update command a close track/session command because one having skill in the art would want to be able to update the recording management area during any event that interrupts recording so that the recording operation can continue on the recording medium at a later time.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Butcher whose telephone number is (571) 270 – 5575. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's trainer, Jefferey F. Harold can be reached at (571) 272 – 7519. The fax phone number for the organization where this application or proceeding is assigned is (703) 872—9306.

Art Unit: 4113

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 – 4800.

BMB

July 30, 2008

/Jefferey F Harold/

Supervisory Patent Examiner, Art Unit 4113